

**SECOND AMENDMENT TO THE AGREEMENT BETWEEN FULTON  
COUNTY, GEORGIA, THE TAX COMMISSIONER OF FULTON COUNTY,  
GEORGIA AND THE CITY OF JOHNS CREEK, GEORGIA FOR THE BILLING  
AND COLLECTION OF TAXES AND FEES**

This Agreement is entered into this 14<sup>th</sup> day of August, 2021 by and between Fulton County, Georgia, a political subdivision of the State of Georgia, by and through its Board of Commissioners ("Fulton County"), the Tax Commissioner of Fulton County, Georgia ("Tax Commissioner"), and the City of Johns Creek, Georgia, a municipal corporation of the State of Georgia, by and through its governing body ("City"), (hereinafter collectively referred to as the "Parties").

**WITNESSETH:**

**WHEREAS**, pursuant to the laws and Constitution of the State of Georgia, the Tax Commissioner bills, processes, receives and collects ad valorem taxes levied on real and personal property existing in Fulton County; and,

**WHEREAS**, pursuant to the laws and Constitution of the State of Georgia and the provisions of O.C.G.A. § 48-5-359.1, subject to the approval of the Tax Commissioner, Fulton County may contract with the City of Johns Creek for the purpose of billing, processing, receiving and collecting ad valorem taxes levied by and on behalf of the City of Johns Creek, Georgia; and,

**WHEREAS**, the Parties did enter an Agreement for the billing and collection of taxes, such Agreement being approved by the Fulton County Board of Commissioners on August 1, 2007 as Agenda Item Number 07-0612;

**WHEREAS**, Section V(a) of the Agreement allows for its amendment upon the execution of writing memorializing such Amendment by all Parties;

**WHEREAS**, the term of the original Agreement was amended by approval of Item 19-0599 on August 7, 2019, so that term of the Agreement runs concurrently with the term of the office of the Fulton County Tax Commissioner, Arthur E. Ferdinand or for a period of fifty (50) years from the date of the effective date of the amendment, January 1, 2017, whichever is sooner;

**WHEREAS**, on June 21, 2021, the City of Johns Creek adopted the Stormwater Utility Ordinance which provides that the collection of the stormwater utility fees due the City of Johns Creek and shall be enforced in the same manner as authorized by law for the enforcement of the collection and payment of state taxes, fees, or assessments;

**WHEREAS**, on July 26, 2021, the City of Johns Creek reached consensus to authorize the Mayor to Execute a contract with the Fulton County Tax Commissioner for the billing and collection of the Stormwater Utility Fee for the City of Johns Creek;

**WHEREAS**, the Stormwater Utility Fee will be billed on a bill separate from the property tax bill and will be collected by the Tax Commissioner; and,

**WHEREAS**, apart from any other compensation received, the Resolution further provides that the Tax Commissioner shall be entitled to a fifty cent (.50) charge for each account billed for the City of John Creek's stormwater utility fee. The Compensation paid by the City shall then be paid into the General Fund for Fulton County. Fulton County shall make said payment to the Tax Commissioner within one month of the receipt of the relevant portion of the Compensation. The disbursements made in connection with this Agreement shall be in addition to the regular salary paid and/or any fees paid by Fulton County to the Tax Commissioner. Any salary and/or fees received by the Tax Commissioner outside of this Agreement shall be unaffected by and not be adjusted in any manner as a result of any monies received pursuant to this Agreement.

**WHEREAS**, the City agrees that Fulton County shall likewise be entitled to a one percent (1%) compensation on all fees, penalties and interest collected on the stormwater utility fees billed and collected on behalf of the City. The Parties expressly agree that this one percent (1%) compensation substantially approximates the actual cost the Fulton County for providing billing and collection services provided for in this Agreement.

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants set forth herein, it is now agreed between the Parties that the Agreement, be amended as follows, with all other terms and provisions of such Agreement, as amended, remaining in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed and sealed as follows:

City of Johns Creek, Georgia



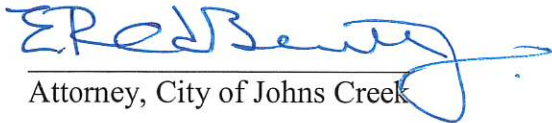
Mayor

ATTEST:



Clerk, City of Johns Creek

APPROVED AS TO FORM:



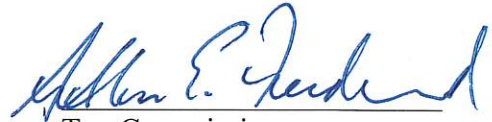
Attorney, City of Johns Creek



Fulton County, Georgia



Chairman, Fulton County  
Board of Commissioners



Tax Commissioner  
Fulton County

ATTEST:



Clerk, Fulton County  
Board of Commissioners

APPROVED AS TO FORM:



County Attorney



**A RESOLUTION ADOPTING AND APPROVING STORMWATER UTILITY FEE  
RATE SCHEDULE FOR THE CITY OF JOHNS CREEK**

**WHEREAS**, the City of Johns Creek is authorized by O.C.G.A. § 36-35-3(a) to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

**WHEREAS**, the City of Johns Creek pursuant to Section 1.12(b)(9) of its Charter is authorized to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater and establishment of a stormwater utility; and

**WHEREAS**, the City Council of the City of Johns Creek has the power by resolution to assess and collect fees, charges and tolls for providing stormwater management services for the total cost to the City of providing or making said services available; and

**WHEREAS**, the City Council of the City of Johns Creek desires to exercise the above-stated powers to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater via a stormwater utility.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council for the City of Johns Creek as follows:

**Section 1.** The Stormwater Utility Fee Rate Structure is adopted as detailed in Exhibit “A” – Johns Creek Stormwater Utility Fee Rate Schedule - which is attached hereto and incorporated by reference as if fully set forth herein, in its entirety.

**Section 2.** If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 3.** All ordinances, resolutions or parts thereof in conflict with the terms of this Resolution are hereby repealed to the extent of the conflict.



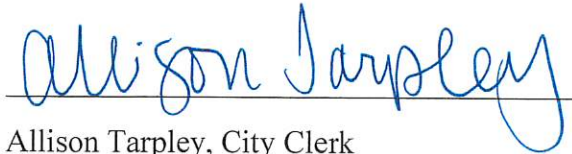
**Section 4.** This Resolution shall be effective upon adoption by the City Council of the City of Johns Creek, Georgia, and signature of the mayor or the date of the next regularly scheduled council meeting, whichever is earlier.

SO RESOLVED this 21<sup>st</sup> day of June, 2021.



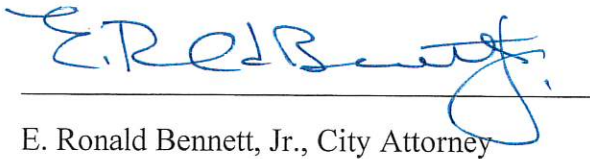
Michael E. Bodker, Mayor

ATTEST:



Allison Tarpley, City Clerk

APPROVED AS TO FORM:



E. Ronald Bennett, Jr., City Attorney



**Exhibit “A”**

**CITY OF JOHNS CREEK**

**Stormwater Utility Fee Rate Schedule**

| <b>Billing Class</b> | <b>Runoff Area Range<br/>(Square Feet)</b> | <b>Billing Units<br/>(ERU)*</b> | <b>Billing Rate**</b>      |
|----------------------|--------------------------------------------|---------------------------------|----------------------------|
| Residential Tier 1   | 401 – 3,000 square feet                    | 0.5                             | \$2.90                     |
| Residential Tier 2   | 3,001 – 5,000 square feet                  | 1                               | \$5.80                     |
| Residential Tier 3   | 5,001 – 7,000 square feet                  | 1.5                             | \$8.70                     |
| Residential Tier 4   | 7,001 – 9,000 square feet                  | 2                               | \$11.60                    |
| Residential Tier 5   | 9,001 – 11,000 square feet                 | 2.5                             | \$14.50                    |
| Large Residential    | More than 11,000 square feet               | 1 / 4,000 square feet           | \$5.80 / 4,000 square feet |
| Non-Residential      | N/A                                        | 1 / 4,000 square feet           | \$5.80 / 4,000 square feet |

\*1 Equivalent Residential Unit = 4,000 square feet

\*\* Billing rate for 1 Equivalent Residential Unit = \$5.80/month

**Rate Structure Categories**

| <b>Categories</b> | <b>Subtypes</b>                                                                                                                                                                                                                                                               |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential       | <ul style="list-style-type: none"> <li>• Single-Family Residential Detached</li> <li>• Single-Family Residential Attached</li> </ul>                                                                                                                                          |
| Non-Residential   | <ul style="list-style-type: none"> <li>• Apartments</li> <li>• Office / Commercial Property</li> <li>• Recreation – Public and Private</li> <li>• Schools – Public and Private</li> <li>• Places of Worship</li> <li>• Common Areas</li> <li>• Undeveloped Parcels</li> </ul> |

**A RESOLUTION ADOPTING AND APPROVING STORMWATER UTILITY EXTENT  
OF SERVICE POLICY FOR THE CITY OF JOHNS CREEK**

**WHEREAS**, the City of Johns Creek is authorized by O.C.G.A. § 36-35-3(a) to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

**WHEREAS**, the City of Johns Creek pursuant to Section 1.12(b)(9) of its Charter is authorized to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater and establishment of a stormwater utility; and

**WHEREAS**, the City Council of the City of Johns Creek desires to exercise the above-stated powers to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater via a stormwater utility; and

**WHEREAS**, by Resolution 2007-08-69 the City Council of the City of Johns Creek approved and authorized the original Stormwater Maintenance Policy establishing the original Extent of Service; and

**WHEREAS**, the City Council of the City of Johns Creek desires to update the Extent of Service for maintenance of the stormwater system.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council for the City of Johns Creek as follows:

**Section 1.** The City of Johns Creek Extent of Service Policy is adopted as detailed in Exhibit "A" – City of Johns Creek Extent of Service Policy - which is attached hereto and incorporated by reference as if fully set forth herein, in its entirety.

**Section 2.** If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 3.** All ordinances, resolutions or parts thereof in conflict with the terms of this Resolution are hereby repealed to the extent of the conflict.



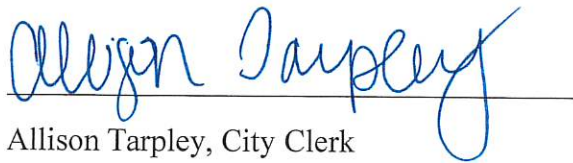
**Section 4.** This Resolution shall be effective upon adoption by the City Council of the City of Johns Creek, Georgia, and signature of the mayor or the date of the next regularly scheduled council meeting, whichever is earlier.

SO RESOLVED this 21<sup>st</sup> day of June, 2021.



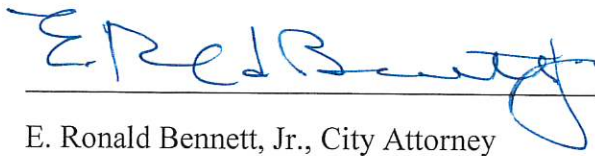
Michael E. Bodker, Mayor

ATTEST:



Allison Tarpley, City Clerk

APPROVED AS TO FORM:



E. Ronald Bennett, Jr., City Attorney



**Exhibit “A”**  
**City of Johns Creek**  
**Extent of Service Policy**

**1. Definitions:**

- 1.1. **Stormwater Drainage System** – Any mode of conveyance within the City that allows or permits the flow of stormwater to waters of the State. The conveyance can be opened or enclosed, public or private, and may contain non-stormwater discharges. The stormwater drainage system includes all the infrastructure and natural drainage designs that are intended to collect, control, and provide a method of conveyance, discharge, and perhaps treatment of stormwater, including but not limited to open channels (ditches, streams, swales), storm drain pipes, drainage boxes (catch basins, drop inlets), detention basins, retention ponds, wetlands, outfalls, and treatment structures.
- 1.2. **Public Stormwater Drainage System** – That portion of the Stormwater Drainage System that is located within the City’s right-of-way or other City-owned land, or outside of the City’s right-of-way or other City-owned land to the extent that: (1) the portion of the system has been legally conveyed to the City as evidenced by the written dedication and acceptance of the same, (2) as otherwise required by Georgia Law.
  - 1.2.1. Effective (*adoption date of Stormwater Utility*), the City establishes a Stormwater Utility Easement (SWUE) for the purposes of clearly defining the portion of the system outside, but attached to the City’s right-of-way and continuing to the discharge point or headwall, or other City-owned land legally conveyed to the City as evidenced by the written dedication and acceptance of the same.
  - 1.2.2. The intent of the City is to acquire the piped portion of the private stormwater drainage system in single-family residential areas attached to a piped system in the City’s right-of-way through donation of that system to the City by private owners using a SWUE.
  - 1.2.3. The City is not obligated to accept private easements with structures (paved surfaces, retaining walls, buildings, fences, accessory structures, etc.) in the easement or over the drainage system.
  - 1.2.4. Effective (*adoption date of Stormwater Utility*), the City shall start inspecting the piped portion of the private stormwater drainage system in single-family residential areas attached to a piped system in the City’s right-of-way. When maintenance or repair issues are found, the City will contact the private owner to request donation of the piped system to the City. The SWUE will be accepted by the City after the effective date of the Stormwater Utility, and maintenance issues shall be prioritized and scheduled for repair.
- 1.3. **Private Stormwater Drainage System** – That portion of the Stormwater Drainage System located on private property which is not the legal responsibility of the City.

- 1.4. **Channel** – a long, narrow excavation or surface feature that conveys surface water and is open to the air. Channels may be constructed or natural.
- 1.5. **Drainage Easement** – An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.
- 1.6. **Easement** – is a Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.
- 1.7. **BMP Maintenance Agreement** – a written agreement providing for the long-term inspection, operation and maintenance of stormwater management system and its components on a site or with respect to a land development project by the owner. Maintenance agreements have been a requirement of the development regulations for new developments since incorporation of the City.
- 1.8. **Stormwater Assets** – Typically accounts for stormwater management facilities such as detention or retention basins, and structures such as catch basins, headwalls and inlets; and conveyances such as ditches, pipes and culverts.

## 2. Maintenance Responsibility:

- 2.1. **Public Stormwater Drainage System** – The City shall conduct periodic inspections, once every five years in accordance with the GA EPD approved Stormwater Management Program, for maintaining that portion of Stormwater Drainage System for which it is legally responsible as set forth in Section 1.2 above. Information collected during these inspections will be utilized in evaluating the condition of the system and in setting priorities for operational and maintenance work as well as capital improvement projects.
  - 2.1.1. There are four classes of Structural Best Management Practices (BMPs) based on ownership and responsibilities. The responsibilities are defined as follows:
    - 2.1.1.1. Class 1: Owned and Maintained by the City
      - 2.1.1.1.1. Inspected by Stormwater Utility (SWU) once every 5 years in accordance with EPD approved Stormwater Management Plan.
      - 2.1.1.1.2. BMP is to be maintained by the appropriate City Department assigned the use of the specific City-owned property.
      - 2.1.1.1.3. Common maintenance activities would include repair of outlet control structures and removal of debris surrounding outlet control structure performance. Other activities may be necessary as determined by inspection.
    - 2.1.1.2. Class 2: Privately Owned without an Owner's BMP Maintenance Agreement
      - 2.1.1.2.1. Inspected by SWU on complaint basis. No routine inspections by SWU. Private owner responsible for inspections as described in section 2.2.5.



- 2.1.1.2.2. Not maintained by SWU. Maintained by private owner as described in section 2.2.4.
- 2.1.1.3. Class 3: Privately Owned with Owner's BMP Maintenance Agreement
  - 2.1.1.3.1. Inspected by SWU once every 5 years in accordance with EPD approved Stormwater Management Plan. Private owner responsible for inspection and maintenance described in BMP Maintenance Agreement.
  - 2.1.1.3.2. Not maintained by SWU. Private party responsible for inspection and maintenance described in BMP Maintenance Agreement.
- 2.1.1.4. Class 4: Owned and Maintained by Other Public Agency
  - 2.1.1.4.1. Inspected by SWU on complaint basis. No routine inspections by SWU. Other Public Agency owner responsible for inspections as described in section 2.2.5 for private owner.
  - 2.1.1.4.2. Not maintained by SWU. Maintained by Other Public Agency owner as described in section 2.2.4 for private owner.
- 2.1.2. Culverts with a span exceeding 20 feet in the City's right-of-way are to be maintained by the City of Johns Creek Public Works Department.
- 2.1.3. The Georgia Department of Transportation is responsible for construction and maintenance of the drainage system within their right-of-way.
- 2.1.4. Project priority will be based on chronological order of the date the service request was received and urgency of repair. A project with a high potential of danger to life and safety and property damage will receive top priority.
- 2.2. **Private Stormwater Drainage System** – It shall be the responsibility of the property owner to maintain the operational characteristics of the Private Stormwater Drainage System located on their property, including but not limited to all easements, channels, detention basins, retention ponds, and other impoundments, so that they continue to operate as they were originally designed and as more specifically set forth in the sections below.
  - 2.2.1. General:
    - 2.2.1.1. Routine maintenance should be performed on a regular basis and includes such activities as trash pick-up, mowing and woody debris removal.
    - 2.2.1.2. Corrective maintenance should be performed as-needed to prevent drainage and/or erosion problems and includes such activities as sediment and pollutant removal, repair or replacement of pipes and other structures, and channel stabilization. Corrective maintenance can be a major undertaking and should be performed by a professional.
    - 2.2.1.3. Damage or deterioration threatening the structural integrity of any component, conveyance or facility should be repaired as soon as possible.
    - 2.2.1.4. Motor oil, antifreeze, or other oil and grease products should never be dumped into a storm inlet.

- 2.2.1.5. Grass clippings, leaves, soil, or trash of any kind should be removed from any stormwater structure. Decomposing leaves and grass encourage the growth of oxygen-demanding bacteria; release nutrients that degrade the water quality of the receiving waters; and can potentially kill aquatic organisms.
  - 2.2.1.6. Paints, solvents, and other hazardous substances can kill vegetation and aquatic life and should never be dumped into any stormwater structure.
  - 2.2.1.7. Bare areas should be grassed to prevent the creation of sediment runoff.
- 2.2.2. Private Drainage Easements with Open Channel Flow:
- 2.2.2.1. The property owner should keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times.
  - 2.2.2.2. The property owner should not dump yard debris and/or fill an open channel with soils or any other material.
  - 2.2.2.3. The property owner should perform routine and corrective maintenance on the open channel as needed to prevent drainage and/or erosion problems.
- 2.2.3. Private Drainage Easements with Pipe:
- 2.2.3.1. The property owner should keep all pipes and boxes functioning as designed and perform routine and corrective maintenance as needed.
  - 2.2.3.2. The property owner should ensure that all pipe openings and drainage boxes are free of debris, silt and any other obstruction. Property owners should not block partially or fully the opening of any pipe or drainage box.
- 2.2.4. Structural Best Management Practices (BMPs):
- 2.2.4.1. The property owner should maintain the operational characteristics of all detention basins, retention ponds, and other impoundments, so that they continue to operate as they were originally designed.
  - 2.2.4.2. Repair of the outlet structure and removal of silt and debris surrounding the structure should be performed as needed to maintain performance.
  - 2.2.4.3. Access drives should be free of any obstructions.
  - 2.2.4.4. The facility should be maintained free of obstructions, silt, or debris.
  - 2.2.4.5. Trash pick-up, mowing, and debris removal is the responsibility of the property owner.
  - 2.2.4.6. The storage capacity or function of any detention basin, retention pond, or other impoundment, whether natural or man-made, should not be removed or diminished without the written approval of the City.
  - 2.2.4.7. BMPs with an owner's BMP Maintenance Agreement may have reporting and other additional requirements as specified in the Agreement.
- 2.2.5. Inspection of the Private Stormwater Drainage System:
- 2.2.5.1. Routine inspections of the Private Stormwater Drainage System located on an owner's property should be conducted by the property owner.

- 2.2.5.2. Inspections of any portion of the Stormwater Drainage System.

**2.3. Stormwater Utility Construction Policies**

2.3.1. Grass Replacement and Maintenance:

- 2.3.1.1. In grassed areas affected by construction, SWU will reseed with similar type of grass. The property owner is responsible for watering the grass. SWU does not guarantee the survival of the grass.
- 2.3.1.2. The maintenance of the grass is the property owner's responsibility.

2.3.2. Paved Surfaces

- 2.3.2.1. SWU will repair paved surfaces damaged by SWU personnel or construction if the paved surface is/was allowed by City Codes and Regulations.

2.3.3. Plant Replacement and Maintenance

- 2.3.3.1. SWU will not replace trees or shrubs in, or whose drip line is in, the City's right-of-way or drainage easement, that are cut down or do not survive as a result of construction. Trees and shrubs outside these limits that are damaged will be replaced with nursery stock. SWU does not guarantee the survival of installed plants.
- 2.3.3.2. Maintenance of installed plants is the property owner's responsibility.

2.3.4. Fences and Structures

- 2.3.4.1. Fences across drainage easements with open swales/ditches are not allowed. SWU will remove and put back an existing fence in a piped drainage easement or temporary construction easement that is removed for maintenance or construction purposes. SWU will repair a fence meeting this definition if damaged by construction, but will not be required to replace the fence.
- 2.3.4.2. SWU is not required to replace or repair any other structures in a drainage easement or in the right-of-way. Any structure outside the right-of-way or drainage easement that is damaged as part of construction, will be repaired, replaced or the property owner could be compensated.

**2.4. Ditches Inside the Right-of-Way**

- 2.4.1. Ditches located inside the right-of-way will not be piped unless the ditch and shoulder will not fit in the right-of-way, other erosion control measures have been tried and have failed, or a pipe system is deemed necessary by the City



to improve traffic safety.

**2.5. Private Driveways**

- 2.5.1. Driveways are the property owner's responsibility.
- 2.5.2. SWU is not responsible for installing or providing driveway pipes for new construction or existing driveways.
- 2.5.3. Driveway pipes in the right-of-way or on private property are private issues maintained by the property owner.
- 2.5.4. Driveway curb cuts are the property owner's responsibility. If storm runoff goes down a driveway causing the property owner a flooding issue, it is the property owner's responsibility to solve the problem. SWU will not raise a driveway to prevent storm runoff from flowing down.
- 2.5.5. At the homeowner's request and City's discretion, the City will install measures at the street to help stop water from going down a driveway from the edge of the street.

**2.6. Bury Pits**

- 2.6.1. Bury pits are holes or depressions in the ground that are filled with building and/or organic materials during construction of homes (such as lumber and tree limbs) and then covered with dirt. In time (typically, five to ten years), the organic material may start to decay and the ground above the material subsides causing a depression in the ground surface.
- 2.6.2. Bury pits are the property owner's responsibility to fill and repair.
- 2.6.3. SWU is not responsible for bury pits on or off the right-of-way, except if it directly affects a City maintained road or infrastructure.

**2.7. Water Ponding on Street Surfaces**

- 2.7.1. The City will mitigate standing water in City-owned streets only if the City deems the water as a potential traffic safety hazard.
- 2.7.2. The City will report stormwater drainage issues directly to Georgia DOT for roads and rights-of-way maintained by Georgia DOT for inspection and corrective action as applicable.

**2.8. Trash Racks and Safety Grates**

- 2.8.1. Placing grates or racks over the ends of pipe openings and in front of catch basin openings is not permitted except for traffic safety issues. The maintenance requirements and the flooding liability associated with such structures do not warrant their installation.

**3. Emergency Maintenance:**

- 3.1. The City may conduct emergency maintenance operations on any portion of the

Stormwater Drainage System in order to protect the common good.

- 3.2. Emergency maintenance includes maintenance necessary to remedy a condition which is potentially damaging to life, property, or public roads and right-of-way.
- 3.3. Such emergency maintenance conducted for the common good, shall not be construed as constituting maintenance obligation by the City, nor prevent the City from seeking reimbursement for expenses from the property owner(s) of the land that generated the condition.
- 3.4. In cases of emergency maintenance, the City is not obligated to replace structures and/or plantings (trees and shrubs) placed within a drainage easement or Stormwater Utility Easement.
- 3.5. The City's Public Works Department has personnel on-call 24 hours a day, 7 days a week to respond to emergencies. For any emergency situation citizens should always call 911. Calls are then forwarded to the Johns Creek Call Center and relayed to the on-call personnel. The Johns Creek Call Center can be reached at 678.512.3200 or online at [www.johnscreekgga.gov](http://www.johnscreekgga.gov). It is open 24 hours a day, 7 days a week to help in non-emergency matters. Citizens are encouraged to call this number for all city government related services, including Public Works.

**4. Public Assistance:**

- 4.1. The City shall initiate and carry out a public education program to insure that property owners understand their responsibility and perform their required duties as it relates to this policy.
- 4.2. SWU will provide technical advice when requested. Liability concerns do not allow the SWU to provide engineering services.

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF JOHNS CREEK  
GEORGIA BY ADDING THE JOHNS CREEK STORMWATER UTILITY  
ORDINANCE WHICH CREATES A STORMWATER UTILITY AND  
ENTERPRISE FUND; TO PROVIDE FOR SEVERABILITY; TO REPEAL  
CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND  
FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City of Johns Creek is authorized by O.C.G.A. § 36-35-3(a) to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

**WHEREAS**, the City of Johns Creek pursuant to Section 1.12(b)(9) of its Charter is authorized to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater and establishment of a stormwater utility; and

**WHEREAS**, the City Council of the City of Johns Creek has the power by ordinance to assess and collect fees, charges and tolls for providing stormwater management services for the total cost to the City of providing or making said services available; and

**WHEREAS**, the City Council of the City of Johns Creek desires to exercise the above-stated powers to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater via a stormwater utility.

**NOW THEREFORE** the Council of the City of Johns Creek hereby ordains as follows:

**Section 1.** The Code of the City of Johns Creek, Georgia is hereby amended by adding Exhibit “A” – Johns Creek Stormwater Utility Ordinance - which is attached hereto and incorporated by reference as if fully set forth herein, in its entirety.

**Section 2.** If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.



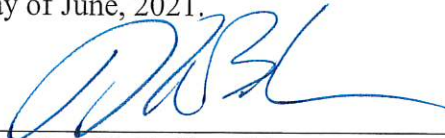
STATE OF GEORGIA  
FULTON COUNTY

ORDINANCE 2021-06-18

**Section 3.** All ordinances, resolutions or parts thereof in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict.

**Section 4.** This Ordinance shall be effective upon adoption by the City Council of the City of Johns Creek, Georgia, and signature of the mayor or the date of the next regularly scheduled council meeting, whichever is earlier.

SO ORDAINED this 21<sup>st</sup> day of June, 2021.

  
\_\_\_\_\_  
Michael E. Bodker, Mayor

ATTEST:

  
\_\_\_\_\_  
Allison Tarpley, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
E. Ronald Bennett, Jr., City Attorney



**Exhibit "A"**  
**Johns Creek**  
**Stormwater Utility Ordinance**

**Article I. STORMWATER UTILITY**

**Section 1.01 Short title, authority and applicability.**

- (1) This article shall be known and cited as the Johns Creek Stormwater Utility Ordinance.
- (2) The City of Johns Creek is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph III, and O.C.G.A. § 36-82-62 to provide stormwater management service systems and facilities throughout the corporate boundaries of the City of Johns Creek (hereinafter "the city" or "Johns Creek") and to collect fees for provision of those services.

**Section 1.02 Findings.**

The Mayor and City Council of Johns Creek, Georgia make the following findings:

- (1) Stormwater management services as well as stormwater management systems and facilities will assist the city in protecting the public health, safety and welfare and the environment. Provision of stormwater management services, stormwater management systems and facilities and regulation of the use thereof renders and/or results in both service and benefit to individual parcels, parcel owners, citizens and residents of the city and to all parcels, parcel owners, citizens and the environment in a variety of ways although those benefits may be indirect or immeasurable.
- (2) In promulgating the regulations contained in this article, the city is acting pursuant to authority granted by the constitution and laws of the State of Georgia and its City Charter to provide for stormwater management collection and disposal services. A stormwater system for the collection, conveyance, storage, treatment and disposal of stormwater services provides services to all properties within the city limits.
- (3) The city is required under federal and state regulations (Federal Clean Water Act and the city's National Pollutant Discharge Elimination System ("NPDES") Phase II Stormwater Permit) to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm

sewer system ("MS4") into State of Georgia or United States' waters. Therefore, it is appropriate for the city to establish a stormwater utility and impose a stormwater user fee upon properties that may discharge, directly or indirectly, into the public MS4, or receive stormwater services from the city, either directly or indirectly, whether or not the property is private or public in nature.

- (4) Johns Creek presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater management systems and facilities owned and operated by the city, and of additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance stormwater management systems and facilities in the city in concert with the management of other public utilities in the city. In order to do so, the city must have adequate and stable funding for its stormwater management program's operating needs and capital program.
- (5) Stormwater management services and stormwater management systems and facilities are needed throughout the corporate limits of the city because many of those areas are developed. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the incorporated area of the city is consistent with the present and future needs of the community.
- (6) The provision of stormwater management services and stormwater management systems and facilities in the city promotes an essential regulatory purpose by influencing where stormwater runoff flows and how it is managed, thereby reducing flooding, erosion and water pollution caused by stormwater runoff.
- (7) The cost of operating and maintaining the city's stormwater management system and the funding of necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services provided by the city's stormwater management program and the demand imposed by individual property on the city's drainage system and stormwater management program.
- (8) Given the stormwater management program problems, needs, goals, priorities and



funding strategy identified in the stormwater program assessment and financial analysis, it is appropriate that the city authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater management services, systems, and facilities within the city in concert with other water resources management programs. Therefore, it is appropriate for the city to establish a stormwater utility and impose a stormwater user fee upon all properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature.

- (9) The stormwater management services rendered may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners and/or tenants of properties in proportion to the demands the properties impose on the city's stormwater management systems and facilities which result in services to such properties and the owners and/or tenants thereof. The fair and equitable apportionment of costs via the stormwater user fee correlates to the stormwater management services provided to that property and the runoff demand that the property imposes on the public drainage system and the city stormwater management program.
- (10) A stormwater management program provides the most practical and appropriate means of properly delivering stormwater management services throughout the city. The imposition of a stormwater user fee is the most equitable means to allocate the costs to users of the stormwater management services and to generate revenue to implement the defined level of service for the city's stormwater management program.
- (11) The amount of pervious and impervious surfaces on each property is the most important factor influencing the stormwater runoff contribution of that property; the corresponding demand the property imposes on the stormwater management program; and the cost of providing stormwater management services to that property by the city. Therefore, the amount of pervious and impervious surface on each property is the most significant parameter for calculating a periodic stormwater user fee; and the city deems it appropriate to impose a stormwater user fee upon all properties that may discharge, directly or indirectly, into the public drainage system whether the property is private or public in nature.

- (12) A schedule of stormwater utility user fees based primarily on the amount of pervious and impervious surface located on each property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the city. Stormwater utility user fees may be designed with specific modifiers to further enhance customer equity, as well as customer understanding of the user fee rate structure, while at the same time minimizing the city's customer account management and maintenance efforts.
- (13) Stormwater utility user fees may be supplemented by other funding which addresses specific needs, including, but not limited to, special district user fees, general fund allocations, revenue bonds, use of proceeds from special purpose local option sales taxes (SPLOST) and other forms of revenue, as deemed appropriate by the Mayor and City Council.
- (14) The existence of privately owned and maintained on-site stormwater control facilities, activities or assets which reduce, or otherwise mitigate, the impact of a particular property on the city's stormwater management program, and the stormwater utility's cost of providing stormwater management services and/or stormwater management systems and facilities, should be taken into account to reduce the stormwater user fee on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the stormwater utility. Credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the effect that such systems have on the reduction and mitigation of the stormwater runoff impacts from the property.
- (15) In order to protect the health, safety and welfare of the public, the governing authority of Johns Creek hereby exercises its authority to establish a stormwater utility, as the best available means of addressing the foregoing stormwater management program needs and priorities. By means of this article, the city will enact a stormwater user fee rate structure and a procedure for the establishment of a user fee billing rate related to the provision of stormwater management services.

**Section 1.03 Definitions.**

The following definitions shall apply to this article. Any word or phrase not defined below but otherwise defined in this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.



*Act* shall mean and refer to the Clean Water Act codified at 33 U.S.C. § 1251, et seq., and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.

*Credit* shall mean a conditional reduction allowed against the stormwater user fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the Stormwater Utility Credits Manual or other credits manual as may be adopted by the city, and as may be updated or amended from time to time.

*City standards* shall mean the city ordinances that govern water quality and water quantity including but not limited to the development regulations, postdevelopment stormwater management ordinance, floodplain management ordinance, soil erosion, sedimentation and pollution control ordinance, illicit discharges and illegal connections to storm sewer ordinance, stream buffer protection ordinance, zoning ordinance, the stormwater design manual, and all procedures, rules and policies pertaining thereto as these may be updated or amended from time to time.

*Customers* shall include all persons, parcels, and entities served by the stormwater utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, parcels, and entities which will ultimately be served or benefited as a result of the stormwater management program.

*Direct lien* shall mean a lien enforced against an individual or parcel prior to obtaining a judgment against the individual or parcel, such as liens established by operation of law for unpaid taxes.

*Director* shall mean the Director of Public Works or his/her designee.

*Hydrologic response* defines the manner and means whereby stormwater runoff collects, remains, diverts, infiltrates, and is conveyed from a property. Hydrologic response is dependent on several factors including, but not limited to, the amount of pervious and impervious surface, the parcel's size, the parcel's shape, the parcel's topography, the parcel's vegetative canopy, the parcel's groundwater characteristics, the parcel's on-site operations, the parcel's stormwater controls, the parcel's antecedent moisture as well as the parcel's geologic and hydro-geologic characteristics.



*Impervious surfaces* shall mean any paved, hardened or structural surfaces, including but not limited to, buildings, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways or other structures and/or improvements on a property, which prevent or impede the infiltration of rainfall and stormwater into the soil.

*Parcel* shall mean a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

*Partial impervious surface* shall mean those areas which allow for limited infiltration of rainfall and surface water runoff into the soil in the manner that is more similar to natural conditions than "impervious surface" as defined above. Partial impervious surfaces influence and affect stormwater runoff such that the runoff is collected, concentrated and/or flows in a manner that is materially different from what would occur if the land were in an unaltered natural condition. Common partial impervious surfaces include, but are not limited to, compacted gravel and/or compacted soils.

*Private stormwater management systems and facilities* shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality, which are not public.

*Public stormwater management systems and facilities* (or *Johns Creek's Municipal Separate Storm Sewer System* or *MS4* ) shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, public streets, curbs and gutters, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence either the movement of stormwater runoff or water quality, which are either owned by the city or over which the city has accepted an offer of dedication of a Stormwater Utility Easement or other legally binding permanent right of use for stormwater drainage, and for which the city has the obligation of maintenance for stormwater drainage purposes.

*Runoff Area* shall be the weighted calculation of 5 percent times the pervious area of a parcel added to 95 percent times the impervious area of a parcel. This area in square feet shall be the total calculated area contributing to the stormwater runoff from a parcel.

*Stormwater management services* may address the quality and the quantity of stormwater runoff and include all services provided by the city which relate to the:

- (1) Transfer, control, conveyance or movement of stormwater runoff through the incorporated portions of the city;
- (2) Operation, maintenance, repair, enhancement and replacement of existing public stormwater management systems and facilities;
- (3) Planning, development, design and construction of additional stormwater management and facilities to meet current and anticipated needs;
- (4) Regulation of the use of stormwater management services or of stormwater management systems and facilities;
- (5) Education of the public as to stormwater management issues;
- (6) Development plan review to require compliance with applicable city standards;
- (7) Inspection and/or monitoring for water quantity and water quality to assess compliance with applicable city, state and federal water quality standards and stormwater management program requirements; and
- (8) Other services as the Director or his/her designee may deem appropriate.

*Stormwater user fee charge* shall mean the periodic service charge imposed by the city to a parcel of land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities, which fees shall be used only for the purpose of funding the Johns Creek Stormwater Utility's cost of providing stormwater management services and stormwater management systems and facilities. Stormwater user fee charges shall be based on the relative contribution of each parcel to the demand for stormwater management services, shall be structured so as to be fair and reasonable and shall bear a substantial relationship to the cost of providing stormwater management services and stormwater management systems and facilities. The cost of operating expenses, capital investments and reserve accounts may be included in the stormwater user fee charges.

*Stormwater utility* shall mean the City of Johns Creek stormwater utility as established in section 1.04 of this article.

*Stormwater Utility Easement* shall be an easement dedicated to the City of Johns Creek giving the City of Johns Creek Stormwater Utility the legally binding permanent right to use the easement for stormwater drainage. This right shall include inspection, maintenance and/ or construction of a stormwater management system or facilities located within the easement.

**Section 1.04 Stormwater utility and enterprise fund established.**

- (1) There is hereby established a stormwater utility to be known as the City of Johns Creek Stormwater Utility, which shall be responsible for use and enhancement of the city's stormwater management systems and facilities and stormwater management program services.
- (2) The city shall establish a stormwater utility enterprise fund within the city accounting systems for the purpose of dedicating and protecting all funding generated by the stormwater utility user fee charge to the operation of the stormwater management program and stormwater utility, including, but not limited to, rates, charges, and fees as may be established by the Mayor and City Council from time to time, and other funds that may be allocated to the stormwater utility.
- (3) All revenues and receipts generated from the stormwater user fee charges shall be segregated and placed into the stormwater utility enterprise fund to be held in trust, and be expended solely for stormwater management purposes; provided, however, such fund may also pay a reasonable allocation of costs provided to the stormwater utility by the city's general fund, or other utilities of the city, in order to account for applicable overhead costs. Stormwater utility user fee charge revenue shall be used only for the operating expenses and/or capital investments of the stormwater utility. However, other forms of revenue and/or financial resources, not accounted for in the stormwater utility user fee charge revenue, may be allocated as deemed appropriate by the city, to provide supplemental funding to the stormwater management program and stormwater management services.
- (4) It is required that the revenue proceeds from all user fee charges for stormwater management services, systems or facilities, together with any other supplemental revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes. Such user fee charge revenue proceeds and other supplemental revenues, shall be deposited into the City of Johns Creek Stormwater Utility Enterprise Fund. The user fee charge proceeds and other supplemental revenues shall remain in the enterprise fund, and be dispersed only for stormwater management capital improvements, facilities, equipment, operating and non-operating costs, lease payments, debt service payments, or other indebtedness related to the stormwater management program.

**Section 1.05 Stormwater utility service area.**



There shall be one stormwater utility service area in the city which shall encompass the municipal boundaries of Johns Creek. The city has established that all parcels within the municipal boundaries receive stormwater management program services from the city. Properties within the defined service area will receive a stormwater user fee charge bill because they contribute stormwater runoff to the public drainage system, are directly or indirectly connected to the city's drainage system, and/or receive stormwater management services from the city to varying degrees.

**Section 1.06 Scope of responsibility for the stormwater utility.**

- (1) The stormwater utility shall provide stormwater management services for existing and proposed public stormwater management systems and facilities as defined in this article, subject to funding availability and to policy determinations made in the best interest of public health, safety and general welfare. Additionally, the stormwater utility may accept the responsibility for providing stormwater management services to private stormwater management systems and facilities that connect to and drain the public right-of-way, acceptance of which conforms to policies established by the Mayor and City Council.
- (2) The city owns or has rights established by written agreements which allow the stormwater utility to provide stormwater management services and access those stormwater management systems and facilities which are located:
  - a. On property owned by the city;
  - b. Within public road rights-of-way of the municipal street system and, where the city has by agreement with the county or state agreed to maintain public roads and highways on the county road system and/or state highway system;
  - c. On private property but within legally dedicated Stormwater Utility Easements that have been granted to and accepted by the city, or where the city is otherwise permitted to undertake activities on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions;
  - d. On public land which is owned by another governmental entity with whom the city has a written agreement providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities

located thereon.

- (3) Stormwater management systems and facilities which are located on private property or on public property not owned by the city or leased to the city by another political subdivision of the State of Georgia, and for which there has been no written agreement granting easements which have been dedicated to and accepted by the city, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the city for operation, maintenance, improvement and access of such stormwater management systems and facilities, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by applicable state and federal laws.
- (4) The city shall place responsibility with the Director or his/her designee for operation, maintenance and regulation of the stormwater utility and stormwater management systems and facilities owned and operated, or maintained by the city, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.
- (5) The stormwater utility may provide periodic inspection, testing, or engineering assessment of privately-owned stormwater management systems and facilities to ascertain that said facilities are functioning as designed and approved. After notice to the property owner, the stormwater utility may provide for remedial maintenance of said private facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare and the environment. In cases where such remedial maintenance is required to be performed by the city, the city shall have the right to bill the owner of said private facility for the costs of such maintenance.
- (6) It is the express intent of this article to protect the public health, safety and general welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the corporate limits of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the city, its Mayor and City Council, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (7) If any permit, plan approval, inspection, or similar act is required by the city as a condition precedent to any land disturbance or construction activity upon property not



owned by the city pursuant to this or any other regulatory code, ordinance, regulation or rule of the city, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit, negligent issuance of a permit, negligent plan approval, negligent construction of permitted system or facility, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the city for further maintenance in an action seeking the imposition of money damages or equitable remedies against the city, its Mayor and City Council members, officers, employees or agents.

**Section 1.07 Rates of stormwater user fee charges to be established.**

- (1) In order to recover the cost of providing stormwater services and stormwater management systems/facilities while fairly and reasonably apportioning the costs among properties throughout the corporate limits of the city, the Mayor and City Council shall establish by adoption of a fee rate schedule for stormwater user fee charge rates, which shall apply uniformly throughout the stormwater utility service area encompassing the corporate limits of the city pursuant to the jurisdiction granted by this article.
- (2) The billing rates may be modified by the Mayor and City Council from time to time to meet the financial and operational needs of the Johns Creek Stormwater Utility. In setting or modifying such rates, it shall be the goal of the city to establish rates that are fair, equitable and reasonable, and which, together with other funding sources available to the Johns Creek Stormwater Utility for services, systems, and/or facilities related to stormwater management are sufficient to support the cost of the stormwater management program, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other stormwater utility related costs as deemed appropriate by the city.
- (3) The area of pervious and impervious surfaces on each parcel shall be calculated as of the date of the most recent aerial photography available to the stormwater utility or using best available data such as survey information provided by a registered land surveyor or permit data from the Community Development Department. However, the Director or his/her designee is authorized to make adjustments to the pervious and impervious area calculations as necessary to address the stormwater utility operational needs.



**Section 1.08 Effective date of stormwater user fee charges.**

The stormwater utility user fee charges shall accrue beginning July 1, 2021 in an amount to be established by resolution of the Mayor and City Council, as may be amended from time to time, and shall thereafter be billed periodically.

**Section 1.09 Stormwater user fee charge exemptions.**

- (1) Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of the city shall be exempt from the stormwater user fee charge. The stormwater utility user fee charge is not a tax and no exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the stormwater utility's cost of providing stormwater management program services and facilities.
- (2) Exemptions to the stormwater user fee charges are as follows:
  - a. Parcels which contain 400 square feet, or less, of runoff area shall be exempt from stormwater user fee charges.
  - b. Linear railroad rights-of-way (i.e. tracks, rails, and roadbed) outside of the defined yard limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by the rail road company associated with rights-of-way and drainage conveyance systems. However, railroad stations, rail yards, maintenance buildings, and/or other improved property used for railroad operations shall not be exempt from stormwater user fee charges.
  - c. City of Johns Creek streets and rights-of-way shall be exempt from stormwater user fee charges and the stormwater utility shall not charge the city a user fee for the city's runoff area resulting from the city's pervious and impervious surfaces which are owned and/or maintained by the city within the public rights-of-way. This exemption is in consideration of the city allowing the stormwater utility to utilize the city's existing streets, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures,

natural and man-made within and owned by the city which controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. All other developed property owned by the city shall be subject to the imposition of stormwater user fee charges in accordance with this article.

- d. Fulton County roads and rights-of-way located within the city limits shall be exempt from stormwater user fee charges if Fulton County has legal responsibility to perform all drainage system maintenance and capital construction activities with respect to such roads and rights-of-way. This exemption is in recognition of the drainage system maintenance and capital construction responsibilities undertaken by Fulton County. All other developed property owned by Fulton County that is within the service area shall be subject to the imposition of stormwater user fee charges in accordance with this article.
- e. Georgia Department of Transportation (GDOT) roads and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by GDOT in association with GDOT rights-of-way road and drainage conveyance systems. However, maintenance buildings and/or other developed property used for GDOT purposes shall not be exempt from stormwater user fee charges.

**Section 1.10 Credits.**

Owners of land may apply for and receive a stormwater user fee credit for designated on-site stormwater management systems/facilities and for other approved activities that reduce the city's cost to provide stormwater management services to the customer. The Director or his/her designee shall determine such stormwater user fee credits based on the technical requirements, design and performance standards contained in the city's stormwater utility Credits Manual, to be adopted by the Mayor and City Council pursuant to this article, as it may be updated or amended from time to time.

**Section 1.11 Stormwater user fee charge, billing, delinquencies and collections.**

- (1) Billing.

- a. A bill for stormwater user fee charges shall be sent through the United States Postal Service or by alternative means reasonably calculated to provide notice as may be determined by the billing authority notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.
- b. The Mayor and City Council authorizes the Director or his/her designee to bill and collect the stormwater user fee charge as part of the annual bill or other method of billing as deemed appropriate by the city. The Mayor and City Council further authorizes the Director or his/her designee to charge and collect penalties and interest as set forth in subsection (2) of this section.
- c. If a bill for a stormwater user fee charge for a particular parcel is generated, failure of the customer to receive the bill shall not be justification for nonpayment.
- d. Regardless of the party to whom the bill is initially directed, the owner of the property, as identified from the public land records of Fulton County, shall be obligated to pay the appropriate stormwater user fee charge for that property and any interest and/or penalties that have accrued.
- e. If a property is unbilled, or if no bill is sent for a particular property, the city's stormwater utility may back bill for a period of up to three years, but shall not be entitled to any interest or any penalty charges during the back billed period.

(2) Delinquencies and collection.

- a. A penalty or late charge in the amount of ten (10%) percent of the amount due and unpaid on the due date shall be assessed against the customer.
- b. In addition to the penalty stated above, interest in the amount of one (1%) percent per calendar month (12 percent annually) shall accrue on all unpaid amounts beginning on December 1 of the year in which the payment is due.
- c. The city shall assess all costs of collection, including attorneys' fees and court



costs, against the property owner.

- d. Unpaid stormwater user fee charges shall be collected in any manner permissible by Georgia law, including but not limited to: utilizing the services of a collection agency, by filing suit to collect on an unpaid account, or by using all methods allowed by Georgia law to collect on any judgment obtained, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a Writ of Fieri Facias (FiFa) issued, the unpaid stormwater user fee charge shall not constitute a direct lien against the owner and/or the property.

**Section 1.12 Stormwater utility inspections and enforcement.**

- (1) All property owners of property within the incorporated areas of the city shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable city development regulations, ordinances, and state and federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the City of Johns Creek Municipal Court. Each day such violation exists shall constitute a separate offense.
- (2) In the event a public nuisance is deemed to exist by the Mayor and City Council, the city may elect to litigate in municipal court to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the City of Johns Creek Municipal Court, the city may enter upon the property and cause work as is reasonably necessary to be performed to remove any imminent threats to the health, safety and welfare of its citizens, with the actual cost thereof assessed against the property owner in a similar manner as a tax levied against the property. From date of filing of such abatement action, the city shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the City of Johns Creek Municipal Court.
- (3) The city shall have the right for its employees or designated agents to inspect on-site stormwater management systems within the city to ensure compliance with the provisions of this article, and state and federal law. Such inspections shall generally be limited to the following purposes:

- a. Inspecting or conducting engineering analyses on existing stormwater management systems and facilities located on-site;
- b. Verification and review of information contained within a stormwater utility credit manual application; and
- c. Determining that stormwater management systems and facilities need to be constructed.

**Section 1.13 Stormwater user fee adjustments.**

- (1) The Director or his/her designee shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
- (2) If a customer believes his stormwater user fee charge is incorrect, the customer may seek an adjustment of the user fee allocated to a property at any time by submitting the request in writing to the Director or his/her designee on forms provided by the city and setting forth in detail the grounds upon which relief is sought. The customer's stormwater utility account must be paid and current prior to consideration of an adjustment request by the city, except during the period prior to issuance of the first bill.
- (3) Customers requesting an adjustment shall be required, at their own expense, to provide accurate pervious and impervious area and other supplemental information to the Director or his/her designee, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer, unless otherwise allowed by the city. Submittal of this information will be required if the city staff cannot make a determination based on field inspection and/or review of existing city aerial photography. Failure to provide the required information within the time limits established by the Director or his/her designee, as may be reasonably extended, may result in denial of the customer's adjustment request.
- (4) Once a completed adjustment request and all required information has been received, the Director or his/her designee shall within 30 calendar days render a written decision.
- (5) In considering an adjustment request, the Director or his/her designee shall consider whether the calculation of the stormwater user fee charge for the property is correct.
- (6) The Director's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
- (7) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater user fee charge bill.

**Section 1.14 Appeals.**

- (1) Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:
  - a. An appeal must be filed in writing with the City Manager within 30 days of the decision that is appealed. In the case of user fee appeals, the appeal shall include a survey prepared and sealed by a land surveyor or professional engineer currently registered in the State of Georgia containing information on the total parcel area, the pervious and impervious surface area, and any other features or conditions which influence the hydrologic response of the parcel to rainfall events, unless an alternate means of providing the required information is authorized by the City Manager or his/her designee.
  - b. The City Manager shall conduct a technical review of the conditions on the parcel and respond to the appeal in writing within 30 days of receipt.
  - c. In response to an appeal, the City Manager may adjust the stormwater user fee applicable to a parcel in conformance with the general purpose and intent of this article.
  - d. All decisions by the City Manager shall be final.
- (2) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decision of the City Manager may be further appealed by application for writ of certiorari in the Superior Court of Fulton County, filed within 30 days of the date of receipt of service of the decision.



**A RESOLUTION ADOPTING AND APPROVING STORMWATER UTILITY CREDIT  
MANUAL FOR THE CITY OF JOHNS CREEK**

**WHEREAS**, the City of Johns Creek is authorized by O.C.G.A. § 36-35-3(a) to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

**WHEREAS**, the City of Johns Creek pursuant to Section 1.12(b)(9) of its Charter is authorized to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater and establishment of a stormwater utility; and

**WHEREAS**, the City Council of the City of Johns Creek has the power by resolution to assess and collect fees, charges and tolls for providing stormwater management services for the total cost to the City of providing or making said services available; and

**WHEREAS**, the City Council of the City of Johns Creek desires to exercise the above-stated powers to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater via a stormwater utility.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council for the City of Johns Creek as follows:

**Section 1.** The Stormwater Utility Credit Manual is adopted as detailed in Exhibit "A" – Johns Creek Stormwater Utility Credit Manual - which is attached hereto and incorporated by reference as if fully set forth herein, in its entirety.

**Section 2.** If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 3.** All ordinances, resolutions or parts thereof in conflict with the terms of this Resolution are hereby repealed to the extent of the conflict.

**Section 4.** This Resolution shall be effective upon adoption by the City Council of the City of Johns Creek, Georgia, and signature of the mayor or the date of the next regularly scheduled council meeting, whichever is earlier.

SO RESOLVED this 21<sup>st</sup> day of June, 2021.



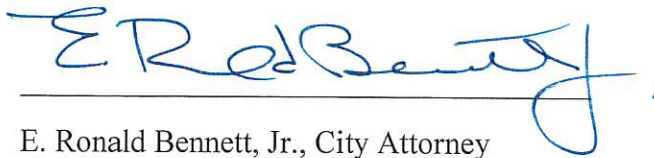
Michael E. Bodker, Mayor

ATTEST:



Allison Tarpley, City Clerk

APPROVED AS TO FORM:



E. Ronald Bennett, Jr., City Attorney



**Exhibit “A”**  
**Johns Creek**  
**Stormwater Utility Credit Manual**

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### **Section 1 – General Information**

Stormwater Utility user fee credits are available to private and public entities that undertake specific stormwater management activities to reduce their impact/demand on the City's Stormwater Management Plan (SWMP) and the associated costs that would otherwise be expended by the City SWMP. If a customer enacts a specific credit activity that is approved by the City, then the customer will receive a credit on their annual stormwater user fee bill. Credits will be periodically reviewed by the City for compliance with the applicable standards in the City of Johns Creek Stormwater Utility User Fee Credit Manual (the Manual). Credits are given for both structural and nonstructural stormwater management activities and include, but are not limited to, the following: detention ponds, stormwater controls, best management practices (BMPs), education programs, watershed stewardship and other approved activities as determined/defined by the City.

The Manual outlines the criteria and procedures for the City of Johns Creek's Stormwater Utility customers to secure and maintain a stormwater user fee credit(s) for their property/customer account. An approved Stormwater Utility user fee credit will result in a reduction of the customer's annual stormwater user fee charge. Implementation of the credit activities by the customer should reduce the impact of stormwater runoff from the subject property on the City's stormwater management system, and corresponding cost to the City to provide SWMP services to that customer. The credit is only applicable for City approved stormwater BMPs, activities and/or programs that are properly designed, constructed (or implemented) and maintained in accordance with this Manual.

### **Definitions**

The definitions included in the Stormwater Utility Ordinance and the City of Johns Creek Development Regulations are adopted herein by reference.

*Georgia Stormwater Management Manual (GSMM)*: The GSMM is a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia. Access the following link to review the GSMM:

<http://atlantaregional.com/environment/georgia-stormwater-manual>

### Summary of Stormwater User Fee Credits

Table 1 summarizes user fee credits available to Stormwater Utility customers. Please refer to the ensuing sections of this document for specific details on the various credits, policies and procedures. Per City policy, the maximum user fee credit a customer account can receive is **40%**. Private residential subdivisions can receive an extra 10% credit (maximum credit of 50%) on common area parcel(s) with private stormwater management systems and facilities that they maintain. Residential customers that are part of a larger common development (or subdivision) can collectively apply for credits related to the GSMM Unified Stormwater Sizing Criteria, Private Stormwater System, or No Direct Discharge.

| Table 1 – Stormwater User Fee Credit Summary                                   |                        |             |                 |                              |                        |
|--------------------------------------------------------------------------------|------------------------|-------------|-----------------|------------------------------|------------------------|
| Credit Description                                                             | Credit Term in Year(s) | Residential | Non-Residential | Maximum Prorated User Credit | Annual Report Required |
| <i>Georgia Stormwater Management Manual (GSMM) Unified Stormwater Criteria</i> |                        |             |                 |                              |                        |
| Water Quality Volume                                                           | 5                      | x           | x               | 10%                          | Yes                    |
| Channel Protection                                                             | 5                      | x           | x               | 10%                          | Yes                    |
| Overbank Flood Protection                                                      | 5                      | x           | x               | 10%                          | Yes                    |
| Extreme Flood Protection                                                       | 5                      | x           | x               | 10%                          | Yes                    |
| Watershed Stewardship                                                          | 1                      | x           | x               | 10%                          | No                     |
| Septic Tank Maintenance                                                        | 5                      | x           | x               | 10%                          | No                     |
| No Direct Discharge                                                            | 5                      | x           | x               | 40%                          | No                     |
| Watershed Improvement Project                                                  | 5                      | x           | x               | 10%                          | No                     |
| Private Stormwater System                                                      | 5                      | x           |                 | 10%                          | Yes                    |
| Water Resources Education Program                                              | 5                      |             | x               | 10%                          | Yes                    |
| NPDES Industrial Stormwater General Permit Compliance                          | 5                      |             | x               | 10%                          | Yes                    |
| Hot Spot BMP Implementation                                                    | 5                      |             | x               | 10%                          | Yes                    |

### Stormwater User Fee Credit Policies

The City has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to applicable sections of the City Stormwater Utility Ordinances for additional guidance and requirements pertaining to the stormwater user fee credits.

- Applications for a stormwater user fee credit for existing facilities may be submitted to the City at any time. Credits approved by December 31 will be applied to the customer's stormwater bill the following calendar year.
- Applications for a stormwater user fee credit associated with new development (or redevelopment) sites may be submitted once the BMP is constructed, has been inspected and approved by representatives of the City, a maintenance agreement has been recorded, and the parcel has been recorded.
- Credits are only approved for (and applied to) eligible customers that meet applicable criteria as set forth in the Manual. The stormwater user fee is being assessed on an individual customer account basis as outlined in the City Stormwater Utility Ordinance. Therefore, credit applications must be made by the entity that is responsible for payment of the utility account.



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If the responsible entity for payment of Stormwater Utility user fee changes, the new customer must re-apply for the credit with the City regardless if the term has expired or is still active. The new customer may be able to rely on some (or all) of the information from a previous credit application package but it will be the responsibility of the applicant to verify the information within the submitted credit application package.

- A group of customers cannot apply for a credit except as stipulated below. An eligible customer is defined as a property or site that contributes stormwater runoff to the qualifying stormwater control and/or BMP located on the same property/site via natural and/or manmade conveyance systems. If a group of properties/sites are served by a BMP(s), then the credit can be applied to the customer on whose property/site which the BMP resides. This applicant will be referred to as the primary applicant. If the primary applicant provides a memorandum of agreement (MOA) between the primary applicant and another customer(s) for which the BMP(s) provides adequate treatment for the applicable credit, the City will consider application of the credit to all customers named in the MOA. The credit shall be applied to all applicants until such time as the primary applicant notifies the City that the MOA is no longer in effect or the term of the credit expires, whichever occurs sooner. If the MOA is revoked by the primary applicant, the credit shall only apply to the primary applicant.
- A residential homeowner's association (HOA), or a common development, such as a subdivision, which has its own properly designed, constructed, and maintained stormwater BMP(s) should contact the Director or his/her designee to determine if the HOA members, or common development customers, are eligible for a credit. The HOA or common development representative shall provide list of membership or customers that should receive credit for participating in BMP maintenance. A Common Development means a contiguous area where multiple, separate, and distinct construction activities have taken or will be taking place at different times on different schedules under one plan development. For the purposes of the credit, the BMP(s) must be located on a parcel that is platted within the common development and owned by the HOA (or a single property owner within the subdivision or common development). BMPs located on City owned property are not eligible. Additionally, BMPs that the City maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes. Please refer to the City's Stormwater Utility Ordinances for further clarification regarding the City's extent of service policy and its scope of responsibility.
  - For the purposes of awarding one of the GSMM credits, the credit being applied for must be met for the entire common development and must meet the GSMM criteria.
  - Any resulting GSMM credit awarded will be divided among eligible customers within the HOA or the common development.
  - For the purposes of awarding the Private Stormwater System credit, the credit will be applied to common area parcel(s) in private subdivisions where the private stormwater system is located.
- The City may, at its discretion, undertake periodic visual inspections of the BMPs and/or programs being utilized for stormwater user fee credits by customers to ensure compliance with the Manual. If the BMP facility is found to be functional and being properly maintained, the



credit will remain in effect. Likewise, if the BMP facility is not functional or is not being maintained, the City has the authority to void the credit on the next billing cycle. Before a credit is re-instated, the customer will have to reapply for the credit as outlined in this manual.

- The term of the credit varies based upon the credit type (see Table I for stormwater user fee credit duration). As such, the City will utilize an annual certification process for customer accounts that have secured a credit for multiple years. The purpose of the annual certification process will be to require the customer to certify that the existing credit that is in place still meets the criteria outlined in the Manual for the next billing cycle. Failure of the customer to certify his/her credit as required by the City policy could result in credit revocation for the next annual billing cycle. The City will develop the annual certification procedure and make it available to customers via the City website and other methods as deemed appropriate. However, it will be the responsibility of the customer to ensure compliance with the annual certification requirement.

### **Stormwater Utility User Fee Credit Application Procedures**

The following is an overview of the stormwater user fee credit application procedures that a customer should follow to obtain and maintain credits. All of the credits in this Manual require an application, and some of the credit applications require engineering analysis to demonstrate and verify credit eligibility. The credits associated with engineering analysis are identified in the Manual along with the credit application forms. The City requires that these calculations be performed, signed, and sealed in accordance with the appropriate Georgia professional certification provisions outlined herein. The procedure for submitting a credit application generally includes the following tasks:

- Obtain a copy of the Credit Manual from the City and determine what (if any) credits the customer may be eligible to apply for and fill out the required application materials.
- If required by the credit, retain a Georgia Professional Engineer and/or Land Surveyor to perform the required engineering analysis or site survey.
- The Stormwater Utility customer seeking the credit must submit a complete application package to the City for review based on procedures outlined in the Manual. The completed credit application must have all sections appropriately filled out and all the required supporting documentation attached.
- The Director of Public Works or their designee, will review the application package for completeness and to establish if the request adheres to the applicable criteria in the Manual.
- Any stormwater management system designed and constructed within the City must adhere to the requirements set forth in the City's ordinances and applicable design standards, such as the GSMM.
- The City will review the application package and notify the customer if the request is approved or denied within 30 days of receipt of the completed application. Incomplete application packages will not be considered by the City and will be returned to the customer for completion and/or revision.

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- The City may elect to perform an inspection of the customer's site and proposed activity, or to review the non-structural practice being implemented, to ensure conformance to the Manual criteria. As such, the customer must grant the City a Right-of-Entry or access easement as part of the application and approval process. During the credit term outlined in the Manual, the City may elect to conduct follow up or periodic inspections of the site and credit activities to ensure continued compliance with applicable requirements.
- Stormwater user fee credits expire automatically at the end of the credit term. It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the City.
- Approved credits will result in a corresponding credit to the customer's annual stormwater user fee.
- Stormwater user fee credits are issued to individual customer accounts per the policy outlined herein.

## Section 2 – Credit Policy and Procedures

This section explains the procedures involved in applying for a stormwater user fee credit. The procedures include step-by-step instructions and eligibility requirements for obtaining the Stormwater Utility user fee credit.

Listed below are the stormwater user fee credits that customers may be eligible to apply for and secure. Customers should follow the credit application procedures outlined herein for each credit they desire to secure.

1. GSMM Unified Stormwater Sizing Criteria
  - *Management of the Stormwater Water Quality Volume*
  - *Management of the Stormwater Channel Protection*
  - *Management of the Stormwater Overbank Flood Protection*
  - *Management of the Stormwater Extreme Flood Protection*
2. Watershed Stewardship
3. Septic Tank Maintenance
4. No Direct Discharge
5. Watershed Improvement Project
6. Private Stormwater System
7. Water Resources Education Programs
8. NPDES Industrial Stormwater General Permit Compliance
9. Hot Spot BMP Implementation



**Unified Stormwater Sizing Criteria**

Eligible Customer Classes: Residential and Non-Residential

*Credit Description*

The Unified Stormwater Sizing Criteria is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria are intended to be used in conjunction with the others to address the overall stormwater runoff impacts from a development site. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100-year storm). The four stormwater runoff treatment levels associated with the unified stormwater sizing criteria include water quality volume, channel protection, overbank flood protection and extreme flood protection. Table 2 presents each treatment level with a description of each, as provided in the GSMM.

| Table 2 – Unified Stormwater Sizing Criteria |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Treatment Level                              | Maximum Available Credit | Criteria Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Water Quality Volume                         | 10%                      | <p>The applicant shall choose (i) Runoff Reduction and additional water quality shall not be required. To the extent (i) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (ii) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.</p> <ul style="list-style-type: none"> <li>i. Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.</li> <li>ii. Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.</li> </ul> <p>If a site is determined to be a hotspot as detailed in Section 109-79(b), the City of Johns Creek may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.</p> |
| Channel Protection                           | 10%                      | Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Overbank Flood Protection                    | 10%                      | Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Extreme Flood Protection                     | 10%                      | Provide peak discharge control of the 100-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce extreme event flooding.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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- The criteria description for each stormwater runoff treatment level is in accordance with information published in the GSMM.
- BMPs designed prior to adoption of the Credit Manual designed to meet item (ii) Water Quality in accordance with the Development Regulations in place at the time of construction shall qualify for Water Quality Volume Credit if sufficiently documented as specified below.
- A 10% credit off the stormwater user fee charge per the unified stormwater sizing criteria element may be available for a period of five years.
- This credit is not available for any portion of a parcel where a No Direct Discharge credit was secured unless otherwise approved by the Director or his/her designee.

*Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a Unified Stormwater Sizing Criteria user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or demonstrating compliance with the requirements and criteria outlined herein.

Documentation in the hydrology report shall include, but not necessarily be limited to the following:

- Facility site plan with stormwater facilities/controls with delineated drainage areas.
- Description of stormwater control facilities.
- Appropriate pages from Volume 2 of the GSMM (latest version) identifying design requirements for each on-site stormwater control.
- Documentation that the stormwater control facilities meet one or more criteria for the stormwater user fee credit(s).
- Appropriate professional certification(s).
- Pertinent regulatory compliance documentation, if applicable.
- Completed Right-of-Entry Agreement.
- Maintenance Agreement per the requirements of this Manual.
- Other pertinent information to support the user fee credit request.

STEP 3: The customer shall submit the user fee credit application, an executed Right-of-Entry Agreement and a Maintenance Agreement (if an agreement does not already exist) for the site stormwater BMPs/controls to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer may reapply for the credit every five years after the initial approval. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not

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changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.



**Watershed Stewardship**

Eligible Customer Classes: Residential and Non-Residential

*Credit Description*

Stormwater Utility customers are eligible for a stormwater user fee credit if the residential and/or non-residential customer participates in a City approved local watershed stewardship event. Eligible events are set up, organized, and executed through a partnership with the City. There shall only be one stormwater user fee credit certificate issued per customer account.

In general, eligible watershed stewardship activities will include community programs such as Adopt-A-Stream, City approved Rivers Alive Great American Cleanup Day (or other City approved stream clean up events), and City approved Adopt-A Road events that require participation in at least one event per year. Other eligible credit programs may be added in the future, but customers should verify activity eligibility with the Director or his/her designee in advance.

- A credit of up to \$4.00 per participant off the stormwater user fee charge may be available for the Watershed Stewardship Credit for a period of one year. For residential parcels, the participant must live on the parcel receiving the credit. For non-residential parcels, the participant must either work at the business located on the parcel or live in the apartment complex located on the parcel. Proof of residency or employment must be provided at the time of registration. The maximum value of the credit allowed for a parcel is 10% of the user fee.

*Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a stormwater user fee credit for Watershed Stewardship:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the appropriate documentation which shall include but not be limited to the following:

- Certificate of Attendance for the City's Watershed Stewardship Program event. (Copy of approved Sign-in sheet). Attendance at events not sponsored by the City may not be transferable to the City's stormwater user fee credit program, unless approved by the Director or his/her designee.
- Approved sign-in sheet includes event name and date, participant's printed name and signature or initials of participant, address of parcel/property participant is representing, and signature of event supervisor.

STEP 3: The customer shall submit the credit application, complete with the relevant supporting information, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was denied.

The customer will need to participate in the watershed stewardship events annually to receive a

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certificate each year. The stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

**Septic Tank Maintenance**

Eligible Customer Classes: Residential and Non-Residential

*Credit Description*

Residential and non-residential customers are eligible for a stormwater user fee credit if the customer conducts approved maintenance activities on existing septic systems located on the customer's property. Stormwater Utility customers with septic systems can receive a credit by having their septic tanks pumped out on a regular basis (minimum of once every five years). Customers would be eligible to receive the credit for the period of five years after the septic tank was pumped out. The customer must submit documentation to the City in the form of a receipt from a properly licensed hauler of septic wastes.

It is the customer's responsibility to confirm that the hauler has secured the required State and/or local permits and license to haul and dispose of septic wastes. Contractor must be on the Fulton County Health Department's list of contractors. (<https://fultoncountyhealthdept.com/environmental/hstssewage>).

Customers may re-apply for this credit at the end of every five-year term. The septic system maintenance credit will be applied to the customer applying for the stormwater user fee credit. There shall only be one stormwater user fee credit issued per customer account in which regular maintenance is conducted on the septic system and it shall only be good for a period of five years. It is the customer's responsibility to contact a licensed hauler of septic wastes and submit the necessary documentation that the septic system maintenance has been conducted.

- A 10% credit off the stormwater user fee charge would be available for five years.

*Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a stormwater user fee credit for septic system maintenance:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall secure the pertinent documentation from a licensed hauler of septic waste. For the purposes of securing a credit, a receipt from the hauler will be sufficient if the receipt contains the date the maintenance was performed (provided it is within 12 months of the date of the application for a credit unless otherwise approved by the City), the address of the property matching the address on the stormwater user fee credit bill and the name of the company performing the work. Contractor must be on Fulton County Health Department's current list of contractors. <https://fultoncountyhealthdept.com/environmental/hstssewage>.
- STEP 3: The customer shall submit the credit application, complete with the necessary, documentation, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.



Renewal of the stormwater user fee credit every five years shall be in accordance with the criteria outlined in this Manual. In order to maintain eligibility for the credit during the credit term, the customer shall continue to maintain the septic tank in good working order.

### **No Direct Discharge**

#### Eligible Customer Classes: Residential and Non-Residential

##### *Credit Description*

A property or site that does not contribute stormwater runoff to the City's public drainage system either directly or indirectly shall be eligible for a No Direct Discharge stormwater user fee credit, if it meets the criteria outlined in this Manual.

The No Direct Discharge credit is typically available to those residential and non-residential property owners (or customers) who can demonstrate that the following condition exists with regard to their property or site:

- Stormwater runoff after leaving the property does not drain/discharge to a City owned drainage facility and/or system and ultimately drains/discharges to the drainage system of another local government such that the site discharge never flows through the City of Johns Creek public drainage system at any point downstream. The situation where this type of condition would most likely exist is for properties that abut the City limits and stormwater runoff discharges into another County, another municipality, or into the Chattahoochee River. This credit does not apply to discharges to tributaries of the Chattahoochee River.
- A credit of up to 40% off the stormwater user fee charge may be available for No Direct Discharge for a period of five years. The total credit may be reduced if only a portion of the site drains to the City's public drainage system. For example, if half the customer's property drained to City of Johns Creek's system and half drained to another jurisdiction's system, the customer may be eligible for a 20% (or half of 40%) credit off their stormwater user fee charge.

##### *Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a stormwater user fee credit for No Direct Discharge:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide the City the necessary information pertaining to the drainage conveyance from their property to the appropriate downstream points. This information should be documented in the form of a topographical based drainage map prepared by a Georgia Professional Engineer or Land Surveyor, unless otherwise approved by the Director or his/her designee.
- STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City



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will send a letter to the customer explaining why the credit application was not approved.

Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

**Private Stormwater System**

Eligible Customer Classes: Residential

*Credit Description*

A private residential subdivision's common area parcel(s) with private stormwater management systems and facilities that are maintained by a residential homeowners association (HOA) and convey stormwater runoff from outside the subdivision in the system shall be eligible for a Private Stormwater System stormwater user fee credit, if it meets the criteria outlined in this Manual.

The Private Stormwater System credit is available to a private residential subdivision HOA that can demonstrate that the following conditions exist with regard to their property or site:

- The common area parcel is owned by a private residential subdivision HOA.
- The common area parcel contains a private stormwater management system or facility as defined in Section 1.03 of the Stormwater Utility Ordinance.
- The residential subdivision HOA is responsible for the operation and maintenance of the private system.
- The private drainage system must collect stormwater runoff from property outside the residential subdivision and convey this flow in their private system.
- An additional credit of 10% (a maximum of 50% when combined with additional credits) off the stormwater user fee charge may be available for a period of five years.

*Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a stormwater user fee credit for Private Stormwater System:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide the City the necessary information pertaining to the private stormwater management systems and facilities on their property to include, 1) a map of the system indicating the location and stormwater management types of structures, conveyances, and facilities. 2) A drainage area map delineating the drainage area outside of the subdivision that drains into their private system. This information should be documented in the form of a topographical based drainage map prepared by a Georgia Professional Engineer or Land Surveyor, unless otherwise approved by the Director or his/her designee. 3) Customer shall also provide documentation (typically, recorded subdivision covenants) showing HOA responsibility to maintain the system and HOA is an active/incorporated private homeowners association, and 5) the HOA owns the parcel(s).
- STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer

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billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. The report shall include inspection reports and maintenance reports completed on the system during the year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.

Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.



**Watershed Improvement Project**

Eligible Customer Classes: Residential and Non-Residential

*Credit Description*

Stormwater Utility customers are eligible for a stormwater user fee credit, if the customer can demonstrate participation (in terms of providing easement or right-of-way) for City-initiated improvement projects impacting private property.

- Project must be approved by the City and received required local, State and Federal permits.
- Project must be part of City's Watershed Improvement Plan, within City's maintenance responsibilities, or approved by Director or his/her designee as providing water quality or quantity improvement for the watershed.
- A one-time credit may be available to an affected parcel equal to 10% of the parcel user fee for five years to help encourage participation in the project.

*Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a Watershed Improvement Project user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide documentation supporting participation in approved City Watershed Improvement Project. If applicable, customer shall provide a hydrology report prepared by and sealed by a Georgia Professional Engineer or demonstrating compliance with the requirements and criteria outlined herein. If applicable, customer shall provide maintenance plan associated with easement or right-of-way.

STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

In order to maintain eligibility for the credit, the customer shall continue to conduct maintenance as per the maintenance plan provided with the original application, if applicable. This stormwater user fee credit cannot be renewed.

**Water Resources Education Program**

Eligible Customer Classes: Non-Residential (Public and Private Education Institutions)

*Credit Description*

The City encourages and supports the efforts of both public and private education institutions to educate and inform the public on the importance of water conservation and water resources issues. In an effort to further encourage this type of educational activity, the City offers a stormwater user fee credit to eligible customers that meet the criteria outlined in this Manual. For the purposes of this manual "eligible schools" will be limited to Schools, Postsecondary Institutions, Daycare and Pre-K as defined below:

- School – A school as defined by Official Annotated Code of Georgia Code § 20-2-690, recognizes the existence of public schools and private schools as educational entities.
- Postsecondary Institutions – Postsecondary educational institutions are defined in the Official Annotated Code of Georgia Code § 20-3-519.7.
- Daycare – The Georgia Department of Early Care and Learning defines and has jurisdiction for the licensing and registration for Group Day Care and Child Care Centers.
- Pre-K – The Georgia Department of Early Care and Learning is authorized to administer the Lottery funded Georgia Pre-K program and defines its authority over these programs.

The Water Resources Education Program credit shall be made available to all non-residential public or private institutions that meet the criteria set forth herein and that perform approved educational activities as part of their day-to-day operations. Approved credit applications will result in the award of a credit to the parcel's stormwater user fee. The per-parcel credit may not total more than 10% and credit may only be applied to the property where the educational activities are taught. Credits cannot be applied to administrative facilities, bus lots, parking lots that are not associated with the educational facility, or warehouse/facility operations related parcels.

In order to be eligible for this credit, the education program must be consistent with the City's stormwater management program and must also be pre-approved by the Director or his/her designee.

- The program should address stormwater runoff/pollution prevention, stormwater quantity management, water quality, water conservation, and/or recycling.
- A 10% credit off the stormwater user fee charge may be available for the Water Resources Education credit for a period of five years.

*Stormwater User Fee Credit Application Procedures*

The following information shall be provided to the City in order to receive approval of the Water Resources Education Program credit:

STEP 1: Obtain a Manual and credit application packet from the City.

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STEP 2: The customer shall provide documentation supporting participation in approved Water-Resources Education Program. Documentation shall include, but not necessarily be limited to the following:

- Documentation that the State recognizes the customer as an eligible school/education institution.
- The person responsible for the customer account shall certify to the City's Stormwater Utility Manager that a water resources based curriculum is being taught at the facility and the details regarding the program.
- Name of the customer applying for the credit.
- Address of site (property) and the point of contact.
- Number of participants that have been taught the approved curriculum.

STEP 3: The customer shall submit the user fee credit application, complete with relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, it will be applied starting with the next customer billing cycle. If the City representative does not approve of the application, the City will send a letter to the customer explaining why the credit application was not approved.

Renewal of the stormwater user fee credit every five years shall be in accordance with the procedures outlined in this Manual.

In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.



**NPDES Industrial Stormwater General Permit Compliance**

Eligible Customer Classes: Non-Residential

*Credit Description*

Customers can receive a stormwater user fee credit by complying with applicable NPDES Industrial Stormwater General Permit requirements for industrial facilities. Implementation of the applicable compliance requirements assists the City in addressing water quality impairment issues at the source prior to discharge into the City's publicly owned drainage system and/or State Waters. If the customer has properly secured coverage under the NPDES Industrial Stormwater General Permit and is in compliance with all applicable requirements (i.e. development and implementation of a Stormwater Pollution Prevention Plan (SWP3)), a credit application may be filed with the City to secure a credit.

- The credit amount available for NPDES Industrial Stormwater General Permit compliance would be 10% off the stormwater user fee charge for a period of one year.
- Properties that operate a facility that must secure coverage per its Standard Industry Code (SIC) under the NPDES Industrial Stormwater General Permit are eligible for a stormwater user fee credit. For information regarding NPDES Industrial Stormwater Permit compliance requirements, please go to the Georgia Environmental Protection Division website or the following link: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/storm-water-forms/npdes-industrial-storm>

*Stormwater User Fee Credit Application Procedures*

The following requirements will apply for customers who qualify for an NPDES Industrial Stormwater General Permit stormwater user fee credit:

STEP 1: Obtain a Manual and credit application package from the City.

STEP 2: The customer shall complete the application and include the required documents that verify compliance with the NPDES Industrial Stormwater General Permit. At a minimum, the documentation attached to the credit application shall include the following items below:

- Customer address and facility point of contact
- Copy of the current NPDES Industrial Stormwater Permit Notice of Intent (NOI)
- Copy of the annual report of compliance
- Copy of SWP3
- Certification by the responsible party/permit holder that the NOI is current and the SWP3 is being implemented
- Executed Right-of-Entry Agreement

STEP 3: Once the application package is complete, the customer shall submit the application to the City for review.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the

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City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit every five years shall be in accordance with the procedures outlined in this Manual.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

**Hot Spot BMP Implementation**

Eligible Customer Classes: Non-Residential

*Credit Description*

Stormwater runoff hotspots are generally defined as land uses and site activities that could potentially generate higher levels of non-point source pollutants (such as oil and grease, hydrocarbons and/or metals) than would typically be found in stormwater runoff. Sites and facilities may be defined as "hotspots" but may not be required to secure coverage under the NPDES Industrial Stormwater Permit (or other applicable permits) due to the site's industrial classification. This credit is intended to encourage industrial and commercial site operators to address the discharge of stormwater pollutants from their site through the use of hot spot or proprietary BMPs.

For the purposes of this Manual, the City would generally consider following land uses and site activities as hotspots that would have an increased potential for stormwater runoff pollution.

- Gas Station and Fueling Operations
- Large parking lots with more than 200 parking spaces
- Vehicle and Truck Maintenance Areas
- Vehicle Washing and Equipment Cleaning
- Vehicle and Truck Recycling Facilities
- Outdoor Material Storage Areas
- Loading and Transfer Areas
- Other sites as defined in the GSMM

The customer would be responsible for conducting the necessary site assessment activities and the selection of the most appropriate BMP to address the potential pollutants that could originate onsite. The types of BMP devices that would likely be applicable to the land uses and site activities outlined above would include the following:

- oil/water separators;
- oil/water/grit separators;
- sand filters; and
- other appropriate devices/BMPs.

The general design criteria should be in accordance with standard industry practices for the BMP device or as stipulated by the manufacturer. The site operator and/or owner should consult with the City and secure the necessary approvals regarding the ultimate discharge point of the treated runoff (i.e. sanitary sewer, site detention pond, City drainage system, etc.), prior to commencement of the design process to ensure that applicable regulatory and local City code requirements are followed.

- A 10% credit off the stormwater user fee charge may be available for a Hotspot BMP credit for a period of five years.
- This credit is available only to those customers that are not otherwise required to secure



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coverage under the NPDES Industrial General Permit.

*Stormwater User Fee Credit Application Procedures*

The customer shall follow the procedures below when applying for a Hot Spot BMP Implementation user fee credit:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide appropriate information and prepared by a Georgia Professional Engineer or by a qualified professional, demonstrating compliance with the Manual criteria as well as the applicable local and State regulations.
- STEP 3: The customer shall submit the user fee credit application, an executed Right-of-Entry Agreement and a maintenance plan for the BMPs/devices to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer may reapply for the credit every five years. If a customer is reapplying for a Hot Spot BMP user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site operations has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

**Section 3 – Stormwater User Fee Credit Forms**

Stormwater credit applications are required to secure approval of all credits offered in this Manual.

The forms and documents attached to the appendices are summarized below:

- Appendix A – Stormwater User Fee Credit application
- Appendix B – Right-of-Entry Agreement

**APPENDIX A**

Stormwater User Fee Credit Application Form



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Stormwater User Fee Credit Application

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**Instructions:**

Fill out this form completely. An application must be submitted for each customer account. Follow the steps outlined in the applicable section of this Manual. Attach all appropriate documentation to support this request, as outlined herein.

Fill out and attach appropriate documentation. Mail or hand-deliver completed application with required documentation to:

City of Johns Creek  
Department of Public Works  
Attn: Stormwater Utility Manager  
11360 Lakefield Dr.  
Johns Creek, GA 30097

I hereby request City of Johns Creek to review this application for a stormwater credit(s). I further authorize the City to investigate the site characteristics of the identified parcel for the purpose of evaluation for a stormwater credit(s). I certify that I am authority to make such a request and grant such authority for City staff to evaluate this property for the purposes of approving or denying the requested credit. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein.

\_\_\_\_\_  
Type or print name of Applicant      Type or print name of Property Owner      SW Utility Account No.

\_\_\_\_\_  
Signature of Applicant      Date

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual but a government entity, religious institution, corporation or LLC, then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

**Approval:**

\_\_\_\_\_  
SW Utility Manager      Date      SW Utility Account No

**Stormwater User Fee Credit Application – Page 2**

**Place a check next to the credit being applied for with this application:**

| <input checked="" type="checkbox"/> | <b>Credit Type</b>                 | <b>Applicability/Requirements</b> |
|-------------------------------------|------------------------------------|-----------------------------------|
|                                     | Unified Stormwater Sizing Criteria |                                   |
|                                     | <i>Water Quality</i>               | Residential/ Non-residential      |
|                                     | <i>Channel Protection</i>          | Residential/ Non-residential      |
|                                     | <i>Overbank Flood Protection</i>   | Residential/ Non-residential      |
|                                     | <i>Extreme Flood Protection</i>    | Residential/ Non-residential      |
|                                     | Watershed Stewardship              | Residential/ Non-residential      |
|                                     | Septic Tank Maintenance            | Residential/ Non-residential      |
|                                     | No Direct Discharge                | Residential/ Non-residential      |
|                                     | Watershed Improvement Project      | Residential/ Non-residential      |
|                                     | Private Stormwater System          | Residential                       |
|                                     | Water Resources Education Program  | Non-residential                   |
|                                     | NPDES Industrial Stormwater Permit | Non-residential                   |
|                                     | Hot Spot BMP Implementation        | Non-residential                   |

**Customer Information:**

|                                        |
|----------------------------------------|
| Customer Name:                         |
| SW Utility Account Number:             |
| Mailing Address (number and street):   |
| Mailing Address (City, State and Zip): |
| Contact Phone Number:                  |
| Contact E-mail Address:                |

**Property Information:**

|                                                                                      |
|--------------------------------------------------------------------------------------|
| Parcel Address (number and street):                                                  |
| Parcel Address (City, State and Zip):                                                |
| Parcel Identification Number:                                                        |
| Parcel Location/Name of Development:                                                 |
| Authorized Property Owner Contact:<br>(if different than Customer Information above) |

**APPENDIX B**

Right-of-Entry Agreement



**City of Johns Creek Right-of-Entry Agreement**

STATE OF GEORGIA, FULTON COUNTY

I/We \_\_\_\_\_, the owner and/or tenant (circle which one or both) of the property commonly identified as \_\_\_\_\_, City of Johns Creek, Fulton County, State of Georgia, do hereby grant and give freely and without coercion, the right of access and entry to said property to City of Johns Creek, its agents, contractors, and subcontractors thereof, for the purpose of performing necessary evaluations of onsite stormwater facilities, controls and site activities related to stormwater runoff management on the \_\_\_\_\_ (hereinafter "facility") located on Land Lot \_\_\_\_\_ in City of Johns Creek, Georgia.

The undersigned agrees and warrants to waive and hold harmless City of Johns Creek, its agents, employees, contractors, and subcontractors, for damage of any type, or any claim or action, either legal or equitable that might arise out of any activities on the above described property that are conducted by City of Johns Creek, its agents, employees, contractors and subcontractors, pursuant to this Agreement.

In consideration of this Right-of-Entry Agreement and the rights granted to City of Johns Creek herein, the receipt and sufficiency of which is hereby acknowledged, City of Johns Creek agrees, to perform only visual evaluations, and review pertinent facility records and information, necessary to verify stormwater user fee credit eligibility. I/We, will not/have not receive(d) any compensation for this Right-of-Entry Agreement.

For the considerations and purposes set forth herein, I set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Operator or Owner (identify which one)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Address

\_\_\_\_\_  
My Commission Expires

**City Acknowledgement:**

\_\_\_\_\_  
SW Utility Manager

\_\_\_\_\_  
Date